

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

**REMARKS**

Claims 1, 3-14, 16-21 and 23-33 are pending in this application. While Applicant disagrees with the broad grounds of rejection presented in the Office Action, Applicant has amended claims 1, 11-14, 18, 21, 26 and 29 have been amended in order to expedite prosecution on the merits. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

**Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1, 3, 7, and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number (USPN) 5,410,540 to Aiki et al. (“Aiki”). Applicant respectfully traverses the rejection.

Independent claim 1 has been amended to recite “multiple ports coupled to the first memory and configured to receive copies of the input data frame from the first memory in parallel and to simultaneously transmit the copies of the input data frame, each of the multiple ports associated with an output control logic circuit coupled to the memory and configured to determine when to read at least one copy of the input data frame from the memory.”

Applicant respectfully submits that Aiki fails to disclose at least the above feature as recited in amended claim 1. Rather, Aiki discloses in relevant part:

On the other hand, the ATM cell acquired from the memory 4 is distributed by the demultiplexer 5 to an output port (L91 to L9N) indicated by the output counter 66. The counter 66 sends an output port number via a line L661 to the decoder 65 to be decoded therein. A read address register (RAR) corresponding to an output port designated by the decoded result is then accessed to read therefrom a

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

read address RA. The read address is fed via a line L43 to the memory 4. In this operation, an ATM cell and a next read address NRA are read from the memory 4. The read address RA is stored in the buffer 64 and the next read address NRA is stored in the read address register (RAR) from which the read address RA has been read.

As a result of the above operation, a broadcast cell received via an input port is subjected to a copy operation by the cell copy section 3 so as to produce copies thereof. The copies are stored in the memory 4 to be read therefrom according to indication of the output counter 66 and are distributed to the respective output ports, thereby implementing the broadcast function. *See col. 5, lines 6-27.*

In view of the above, Aiki clearly fails to teach or suggest multiple ports coupled to the first memory and configured to receive copies of the input data frame from the first memory in parallel and to simultaneously transmit the copies of the input data frame.

Accordingly, Applicant requests reconsideration and withdrawal of the § 102(b) rejection with respect to independent claim 1 and claims 3, 7, and 11-13, which depend from independent claim 1.

### **Claim Rejections – 35 U.S.C. § 103(a)**

Claims 4-6, 14, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiki in view of USPN 5,646,886 to Brahmbhatt (“Brahmbhatt”).  
Applicant respectfully traverses the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. See e.g., MPEP § 2143.03.

Independent claims 1 and 14 have been amended to recite “multiple ports coupled to the first memory and configured to receive copies of the input data frame from the first memory in parallel and to simultaneously transmit the copies of the input data frame, each of the multiple ports associated with an output control logic circuit coupled to the memory and configured to determine when to read at least one copy of the input data frame from the memory.”

Applicant submits that neither Aiki nor Brahmbhatt teaches or suggests the above feature as recited in amended independent claims 1 and 14. Applicant respectfully submits that claims 4-6, 14, and 16-18 are allowable for at least these reasons.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. See e.g., MPEP § 2143.03. In the Office Action, Brahmbhatt was relied upon as disclosing “a memory comprised of independently address segments including independently addressable channels...See column 7 line 37 to column 8 line 26 and Figure 5 of Brahmbhatt.”

As such, even if Aiki could be combined with Brahmbhatt, which Applicants do not admit, such combination would still fail to teach or suggest all of the features of

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

amended independent claims 1 and 14. Therefore, Aiki and Brahmbhatt, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independents claims 1 and 14.

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claims 4-6, 14, and 16-18.

Claims 21, 26 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiki in view of USPN 6,724,761 to Moy-Yee et al (“Moy-Yee”).  
Applicant respectfully traverses the rejection.

Independent claim 21 has been amended to recite “multiple transmitting ports coupled to the memory and configured to receive copies of the input data frame from the first memory in parallel and to simultaneously transmit the copies of the input data frame after being read from the memory.”

Independent claim 29 has been amended to recite “the computer readable medium including instructions for causing the processor to: ... forward instructions to the memory to read out copies of the received data frame in parallel and output the copies onto a bus; forward instructions to multiple transmitting ports causing the multiple transmitting ports to retrieve and simultaneously transmit the copies of the received data frame from the bus.”

Applicant submits that neither Aiki nor Moy-Yee teaches or suggests the above features as recited in amended independent claims 21 and 29. Applicant respectfully submits that claims 21, 26 and 29 are allowable for at least these reasons.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. *See e.g.*, MPEP §

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

2143.03. In the Office Action, Moy-Yee was relied upon merely as disclosing “using a microprocessor and software on a computer readable medium to store and execute instructions for operating a switching apparatus...See column 5 lines 45-51 of Moy-Yee et al.”

As such, even if Aiki could be combined with Moy-Yee, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 21 and 29. Therefore, Aiki and Moy-Yee, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 21 and 29.

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claims 21, 26 and 29.

Claims 8, 9, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiki in view of Brahmbhatt and further in view of USPN 6,574,194 to Sun et al. (“Sun”). Applicant respectfully traverses the rejection.

Applicant submits that none of Aiki, Brahmbhatt, and Sun teaches or suggests all of the features as recited in amended independent claims 1 and 14. Applicant respectfully submits that claims 8, 9, 19 and 20 are allowable for at least this reason.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. *See e.g.*, MPEP § 2143.03. In the Office Action, Sun was relied upon as disclosing “determining the size of a data frame and determining how many address locations are needed for the frame...See column 4 lines 58-64, column 6 line 64 to column 7 line 30 and Figures 2, 3A and 3B of Sun et al.”

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

As such, even if Aiki could be combined with Brahmbhatt and with Sun, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 1 and 14. Therefore, Aiki, Brahmbhatt, and Sun, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 1 and 14.

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claims 8, 9, 19, and 20.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiki in view of United States Patent Application Publication Number 2005/0041579 to Medina et al (“Medina”). Applicant respectfully traverses the rejection.

Applicant submits that neither Aiki nor Medina teaches or suggests all of the features as recited in amended independent claim 1. Applicant respectfully submits that claim 10 is allowable for at least this reason.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. *See e.g.*, MPEP § 2143.03. In the Office Action, Medina was relied upon as disclosing “using a distributed memory in a switch...See page 2 paragraphs 19-21 and Figure 2 of Medina et al.”

As such, even if Aiki could be combined with Medina, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claim 1. Therefore, Aiki and Medina, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claim 1.

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claim 10.

Claims 23-25 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiki in view of Moy-Yee and further in view of Brahmbhatt. Applicant respectfully traverses the rejection.

Applicant respectfully submits that none of Aiki, Moy-Yee, and Brahmbhatt teaches or suggests all of the features recited in amended independent claims 21 and 29. Applicant respectfully submits that claims 23-25 and 30-32 are allowable for at least this reason.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. *See e.g.*, MPEP § 2143.03. As such, even if Aiki could be combined with Moy-Yee and with Brahmbhatt, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 21 and 29. Therefore, Aiki, Moy-Yee, and Brahmbhatt, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 21 and 29.

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claims 23-25 and 30-32.

Claims 27, 28, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Aiki in view of Moy-Yee and further in view of Sun. Applicant respectfully traverses the rejection.

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

Applicant respectfully submits that none of Aiki, Moy-Yee, and Sun teaches or suggests all of the features recited in amended independent claims 21 and 29. Applicant respectfully submits that claims 27, 28, and 33 are allowable for at least this reason.

As recited above, to form a *prima facie* case of obviousness, the cited references when combined, must teach or suggest every element of the claim. *See e.g.*, MPEP § 2143.03. As such, even if Aiki could be combined with Moy-Yee and with Sun, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 21 and 29. Therefore, Aiki, Moy-Yee, and Sun, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 21 and 29.

Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection with respect to claims 27, 28, and 33.

For at least the above reasons, Applicant submits that claims 1, 3-14, 16-21 and 23-33 recite novel features not shown by the cited references. Furthermore, Applicant submits that claims 1, 3-14, 16-21 and 23-33 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination.

Accordingly, Applicant submits that the claims 1, 3-14, 16-21 and 23-33 are not anticipated nor rendered obvious in view of the cited references. Moreover, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be

Appl. No. 10/004,765  
Response Dated August 22, 2006  
Reply to Office Action of March 22, 2006

necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 3-14, 16-21 and 23-33 are in allowable form.  
Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

KACVINSKY LLC



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Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

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4500 Brooktree Road, Suite 102  
Wexford, PA 15090  
(724) 933-5529

I hereby certify that this correspondence is being eFiled with the United States Patent and Trademark Office:

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Filed By: Robert Vincent Racunas/ Deborah Higham